

ESTTA Tracking number: **ESTTA425149**

Filing date: **08/15/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	CHANG OH KIM		
Entity	Individual	Citizenship	UNITED STATES
Address	621 S. GARMERCY PL., #507 LOS ANGELES, CA 90005 UNITED STATES		

Correspondence information	CHANG OH KIM 621 S. GARMERCY PL., #507 LOS ANGELES, CA 90005 UNITED STATES jemyungcha@yahoo.com Phone:213-365-1055
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Applicant Information

Application No	85249961	Publication date	07/26/2011
Opposition Filing Date	08/15/2011	Opposition Period Ends	08/25/2011
Applicant	Shim, Paul 335 N. State College Blvd. Fullerton, CA 92831 UNITED STATES		

Goods/Services Affected by Opposition

Class 005. First Use: 2010/12/01 First Use In Commerce: 2010/12/01
All goods and services in the class are opposed, namely: Herbal male enhancement nutritional supplements for better sexual performance

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Other	The opposing party first used and has continuously been using "Trio PowerZen" in the commerce since 09/01/2011 becoming widely known and developing enormous amount of goodwill in the Mark. The Mark is confusingly similar to the opposing party's mark "Trio PowerZen" and no consent is given to the applicant to use it by this opposing party. As such, The opposing party owns and enjoys common law trademark rights in the Marks, which rights are superior to any rights claimed by the applicant in the Marks.

Mark Cited by Opposer as Basis for Opposition

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	Trio PowerZen		
Goods/Services	Herbal male enhancement nutritional supplement for better sexual performance.		

Attachments	Short and Plain Statement of the Claim.pdf (2 pages)(1040684 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Chang Oh Kim/
Name	CHANG OH KIM
Date	08/15/2011

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1 8. The Petitioner is not authorized to hold himself out as the provider of the Products or to
2 use any name that is confusingly similar to the Pleded Mark, and is not otherwise associated with
3 this Opposing Party. As a result, the Petitioner's use of the names confusingly similar to the
4 Pleded Mark creates a likelihood of confusion among its customers as to the source, nature,
5 quality and characteristics of the goods and services offered under the Pleded Mark; misleads and
6 deceives such consumers as to the Petitioner's affiliation with this Opposing Party; and creates the
7 false impression that the Petitioner's products are the same as, or is offered under the same quality
8 control standards that are imposed by the Opposing Party.
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11 9. The Opposing Party is informed and believes and thereupon alleges that the Petitioner
12 selected the names confusingly similar to the Pleded Mark with the intent and purpose of trading
13 off of the goodwill that the Opposing Party currently enjoys and misleading, deceiving and
14 confusing consumers. As a result, the Opposing Party's reputation is being injured, consumers are
15 less able to identify and distinguish the goods and services offered by the Opposing Party, and the
16 value and distinctiveness of the Mark is being diminished.
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19 Executed on 15th day of August, 2011, at Los Angeles, California.
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23 By:  _____

24 CHANG OH KIM
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